

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,	)	
	)	
Plaintiff,	)	
vs.	)	
	)	
	)	
FANNY MARGARITA PALACIOS-IBARRA,	)	
et al.,	)	
	)	
Defendants.	)	
_____	)	No. 3:99-cr-0036-HRH
This Order Pertains to:	)	
	)	
GERSON NUNEZ [D-02]	)	
_____	)	

O R D E R

Motion for Reduction of Sentence

Defendant Nunez has filed a pro se, renewed motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c).<sup>1</sup> Defendant has supplemented the motion.<sup>2</sup> The Government has served and filed its non-opposition to the foregoing motions.<sup>3</sup> Appended to the latter as Exhibit 1 is a stipulation regarding modification of sentence entered into by the Government and defendant. Based upon Amendment 715 of the United States Sentencing Commission manual, the parties have recalculated the defendant's total offense level as 32. Defendant's criminal history category remains I.

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<sup>1</sup>Docket No. 681.

<sup>2</sup>Docket No. 688.

<sup>3</sup>Docket No. 699.

Therefore, defendant's range for imprisonment is now 121 to 151 months; the range for supervised release is three to five years; and the fine range is \$17,500 to \$4 million. The parties agree that defendant's sentence of imprisonment should be reduced from 151 months to 121 months, and that all other provisions, terms, and conditions of the judgment originally entered as to defendant Nunez<sup>4</sup> should remain unchanged. In addition, defendant waives a hearing and any right to challenge the modified sentence through appeal or collateral attack.

The stipulation of the parties is accepted. The motion for reduction of sentence pursuant to 18 U.S.C. § 3582(c)(2) is granted. The clerk of court shall enter an amended judgment providing that upon his conviction of Counts 1, 14, 17, 18, 19, and 23 of the second superseding indictment, defendant is committed to the custody of the United States Bureau of Prisons for imprisonment for a total term of 121 months as to all counts, with all such terms to be served concurrently and with credit for time served. In all other respects, the original judgment shall remain unchanged. The original term of supervised release and conditions of supervision imposed by the original judgment shall remain unchanged.

DATED at Anchorage, Alaska, this 12th day of May, 2008.

/s/ H. Russel Holland  
United States District Judge

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<sup>4</sup>Docket No. 377.